

MATTER OF LOPEZ

In Deportation Proceedings

A-14611600

*Decided by Board July 19, 1971*

Respondent's conviction, upon his plea of guilty, of the offense of manslaughter in violation of Alaska Statutes 11.15.040 "as charged in the indictment", which indictment states that respondent "did unlawfully and feloniously kill" another person "by shooting him with a gun", is not a conviction of a crime involving moral turpitude, since the statute involved encompasses both voluntary and involuntary manslaughter and it is not distinctly set forth in the indictment that the offense was voluntary rather than involuntary manslaughter.

CHARGE:

Order: Act of 1952—Section 241(a) (4) [8 U.S.C. 1251(a) (4)]—Convicted of crime involving moral turpitude within five years after entry—manslaughter.

ON BEHALF OF RESPONDENT:  
Roger F. Holmes, Esquire  
Burr, Pease & Kurtz, Inc.  
825 W. Eighth Avenue  
Anchorage, Alaska 99501  
(Brief filed)

ON BEHALF OF SERVICE:  
B. G. Greenwald  
Trial Attorney  
(Brief filed)

This is an appeal from an order of the special inquiry officer, dated April 12, 1971, finding the respondent deportable under section 241(a) (4) of the Immigration and Nationality Act, because of a conviction for a crime involving moral turpitude (manslaughter) within five years of entry. The appeal will be sustained.

The respondent is a 43-year-old married male, a native and citizen of the Republic of the Philippines, who was admitted as an immigrant on February 8, 1966. The record indicates that he was convicted, on April 10, 1970, upon his plea of guilty, of the offense of manslaughter in violation of Alaska Statutes 11.15.040 "as charged in the indictment"